

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on April 22, 2003, in Conference Room "F" of the Troy City Hall.

1. ROLL CALL

Present

Gary Chamberlain
Dennis A. Kramer
Lawrence Littman
Robert Schultz
Walter Storrs
Mark J. Vleck
David T. Waller
Wayne Wright

Absent

Cindy Pennington

Also Present

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Richard K. Carlisle, Carlisle/Wortman Associates
Kathy L. Czarnecki, Recording Secretary

Resolution

Moved by Waller

Seconded by Chamberlain

RESOLVED, that Ms. Pennington be excused from attendance at this meeting.

Yeas

All present (8)

Absent

Pennington

MOTION CARRIED

2. MINUTES

March 25, 2003

Resolution

Moved by Storrs

Seconded by Wright

RESOLVED to approve the March 25, 2003, Planning Commission Special/Study Meeting minutes as published.

Yeas

Chamberlain
Kramer
Littman
Schultz
Storrs
Waller
Wright

Abstain

Vleck

Absent

Pennington

MOTION CARRIED

April 1, 2003

Mr. Storrs requested that the April 1, 2003 minutes reflect the following revisions:

Page 2, Item 3, 2nd paragraph – Insert: “Chief Nelson stated that emergency accesses basically do not work. He noted that emergency accesses must be hard surfaced and visible and yet not look like cars should be using them.”

Page 6, Item 9, 6th paragraph, correct typographical error so sentence reads: “...and noted that the petitioner cannot make a proposal that a particular feature may or may not be incorporated in the development.”

Resolution

Moved by Storrs

Seconded by Schultz

RESOLVED to approve the April 1, 2003, Planning Commission Special/Study Meeting minutes as corrected.

Yeas

Chamberlain
Littman
Schultz
Storrs
Vleck

Abstain

Kramer
Waller
Wright

Absent

Pennington

MOTION CARRIED**3. PUBLIC COMMENT**

Phil Ode of 4508 Whisper Way, Troy, was present to speak. Mr. Ode referenced the FCC Rule Book with respect to the definition of amateur radio and amateur radio service and the section relating to emergency communication. Mr. Ode spoke briefly on the definition of “effective communication”. Mr. Ode noted the higher an antenna is placed, the more interference and radiation are reduced. He stated that not one

antenna came down during the recent ice storm. Mr. Ode provided additional information to the Commission for its review in making a decision on amateur radio antennas.

Murray Scott of 3831 Kings Point, Troy, was present to speak. Mr. Scott cited definitions from the Webster dictionary for the words "effective" and "communication", and arrived at a definition for "effective communication" as a means of producing a definite or desired result. Mr. Murray cited the FCC Rule Book, 97.15, Section E, with reference to the height of amateur radio antennas to reasonably accommodate amateur radio service. Mr. Murray circulated information titled "Effective Summary on Antenna Height and Communication Effectiveness", inclusive of an illustration of the take off angle of signals. Mr. Murray gave a brief explanation of signal angles at different frequencies using a dipole.

The tape narrated by Walter Cronkite with respect to amateur radios will be shown at the May 6, 2003 Special/Study Meeting.

Barbara Jackson of 3035 Daley, Troy, was present to speak. Ms. Jackson questioned if the City plans to widen Big Beaver Road westbound from John R to Rochester.

Mr. Miller replied that the ultimate right-of-way has been acquired along Big Beaver Road and he believes it is the City's intent to widen Big Beaver Road to three lanes in the future.

Chairman Littman assured Ms. Jackson that the Traffic Engineering Department would provide her with a more definitive answer.

4. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-193) –
Article 39.00.00 Parking Screen Wall Waiver

Mr. Miller reviewed the concerns and questions raised at the April 8th Public Hearing with respect to the minimum distance required between the property line and the parking lot and the requirement of a landscaped berm or a landscape buffer. Mr. Miller reported that the Mead property has been combined with the Section 1 Golf Course. He said the City Surveyor prepared the legal descriptions for the Assessing Department to officially combine the two properties, and subsequently the appropriate documents would be filed with the County. Mr. Miller stated that if in the future there was a request to split the combined property, the split would be reviewed administratively and public notification would not be required because the approved site plan for the Golf Course did not originally include the Mead property. Mr. Miller reported that currently a wall has been approved in the maintenance parking area of the Golf Course because City Council directed management to seek an alternative to the practical issue instead of seeking a variance from the Board of Zoning Appeals. He explained that if there were a future request by City Council for a waiver of the wall that

would create a distance requirement, a revised site plan would then be required for consideration of approval.

A brief discussion followed with respect to the minimum distance required between the property line and the parking lot. The Planning Department provided two options for the proposed text amendment: Option 1 provides a 50 foot requirement between the property line and parking lot for buffers and berms; and Option 2 provides a 50 foot requirement for berms and a 200-foot requirement for buffers.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Miller stated that Option 1 is not a viable option, and recommended Option 2 with a 75-foot requirement between the parking lot and property line, with a 4'6" high berm.

Resolution

Moved by Vleck

Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to City Council that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS) of the Zoning Ordinance, be amended to read as follows:

39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS

39.10.00 WALLS:

39.10.01 For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

	<u>District/Use</u>	<u>Requirements</u>
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall

- | | | |
|-----|---|---|
| (D) | E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts. | 4'-6" high wall |
| (E) | M-1 Districts - open storage area | 6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04 |
| (F) | Hospital ambulance and delivery areas | 6'-0" high wall |

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least two hundred (200) feet between the property line and the off-street parking area, the Planning Commission may permit a landscape buffer within the two hundred (200) foot distance, in lieu of the required wall. In those instances where there is less than two hundred (200) feet but at least seventy five (75) feet between the property line and the off-street parking area, the Planning Commission may permit a landscaped berm, in lieu of the required wall. The landscaped berms shall be at least four and one half (4.5) feet in height and the landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center. The location of such landscape buffer or landscaped berm shall be determined by the Planning Commission.

Yeas

All present (8)

Absent

Pennington

MOTION CARRIED

5. PLANNING AND ZONING REPORT

Mr. Miller reported that the Planning and Legal Departments are working diligently on the re-writing of the Robertson Brothers proposal for Woodside Bible PUD.

Mr. Waller said that he heard Robertson Brothers would be moving a lot of earth and asked if that would affect the grade changes sufficiently to bring the site plan back to the Planning Commission.

Mr. Miller responded that the proposed grades were reviewed administratively by the Engineering Department; therefore, the site plan would not come back to the Commission.

Mr. Chamberlain questioned the status of the cross access easement between the Charleston Club and Harrington Park condominium complexes on Long Lake Road, west of Livernois.

Mr. Miller replied that he and Ms. Lancaster visited the site. Mr. Miller noted that Ms. Lancaster was not with the City at the time of site plan approval, but documentation of the site plan approval relating to the road interconnection was provided to Ms. Lancaster. Mr. Miller reported the cross access easement was removed at the Planning Commission meeting and a pedestrian interconnection was provided and agreed to by all parties.

Ms. Lancaster stated the Legal Department investigated the matter, and it appears that no action will be taken to remove the wall. She cited that there is a conflict between the Legal Department and City Management regarding the matter. Ms. Lancaster said that it appears one property owner is in support of removing the wall and the property owner of the other development is against removing the wall. Ms. Lancaster said that even though it was made a condition of the site plan approval, the development was built with the idea that the sidewalk would not go through. Ms. Lancaster believes that at the time of site plan approval, there was no provision to allow the Commission to require a sidewalk access. She said that based upon a dispute between the Legal Department, clarification of the ordinance, and what City Management feels should be done at that location, it is her understanding that there would be no action taken.

Mr. Chamberlain questioned City Management's involvement in the matter, and said that administratively City Management has no right to revise a site plan that was approved by the Planning Commission.

Ms. Lancaster asked that the minutes reflect tonight's conversation and suggested Mr. Chamberlain contact both the City Attorney's office and City Management to advise them of his conclusion.

Mr. Chamberlain stated his conclusion is the site was not built per the approval of the Planning Commission and that the City Legal Department, as a representative of the Planning Commission, should take action to ensure the site is developed as approved.

Ms. Lancaster said it is her understanding that there was no authority within the ordinance to approve the cross access sidewalk, and noted she is not sure that cross access sidewalk is defined in the ordinance.

Mr. Wright, who was on the Commission at the time of site plan approval, said he pushed unsuccessfully for a cross access street easement to preclude people from having to go out to Long Lake Road to visit someone who lives 50 feet away. Mr. Wright recalls that the developer was reluctant to provide sidewalk access because he

wanted a walled community but he knew that he would not get approval from the Commission unless one was provided.

Ms. Lancaster asked if Mr. Wright recalled if the owner of the smaller property agreed to the sidewalk access on record.

Mr. Wright said he was sure he did because the plan was approved that night with the condition that a cross access easement would be provided.

Resolution

Moved by Waller

Seconded by Storrs

RESOLVED, that Planning Commission members be provided pertinent meeting minutes of the discussion for both the first project and second project; and

BE IT FURTHER RESOLVED, if the disagreement among City department heads continues, that paperwork be provided to reflect exactly what the disagreement is and legal justification for it.

Yeas

All present (8)

Absent

Pennington

MOTION CARRIED

6. BOARD OF ZONING APPEALS REPORT

Mr. Vleck reported on the April 15, 2003 BZA meeting.

1053 Hartwig – Sunroom Addition

The BZA granted relief of the ordinance to construct a rear sunroom addition from the existing detached garage.

5231 Crowfoot – Family Room Addition (Hot Tub)

The BZA tabled the request for relief of the rear yard setback to construct a family room addition to allow the petitioner to explore other configurations.

795 Randall – Two Story Addition

The BZA granted relief of the front yard setback.

7. SUB-COMMITTEE REPORTS

Amateur Radio Antenna

Refer to agenda item #11.

Gateway

Mr. Chamberlain reported the Gateway sub-committee would be meeting Thursday, April 24, at 10:00 a.m. to discuss the location of gateway signage for the proposed Sterling Corporate Center PUD.

Special Use

Mr. Chamberlain reported the committee is ready to present proposed revisions to the Special Use text to the Commission.

8. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Miller reported that the April 16, 2003 Downtown Development Authority meeting was cancelled.

9. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D., North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Miller reported the most current PUD material has been provided to the Commission and noted that neither the Planning Department nor the Planning Consultant have completed their reviews. Mr. Miller reminded the Commission that the item is scheduled for the May 13, 2003 Regular Meeting.

Mr. Carlisle reported results of the traffic impact study revealed the proposed PUD project would generate one-third less traffic than a potential office site development. Further, the traffic impact study documented that there would be no car stacking concerns on Urbancrest during morning hours. Mr. Carlisle reported that FEMA is in the process of revising its floodplain maps as a result of a drain project, and noted the existing floodplain boundary on the proposed site would be eliminated. He stated the petitioner has provided details on detention fencing and clarification on parking dimensions. In summary, Mr. Carlisle said he is satisfied the petitioner has addressed the majority of issues and the plan looks good.

Mr. Miller stated the PUD ordinance requires the petitioner to have control of the PUD property. Further he reported that the offer to purchase the City's property is before City Council for approval at their April 28, 2003 meeting.

A brief discussion followed with respect to the proposed grades and engineering drawings. The petitioner said he would provide the Commission with a more user-friendly engineering drawing. In addition, the petitioner said that sample building materials would be provided at the May 13, 2003 Regular Meeting.

Mr. Storrs requested the Planning Department provide the Commission with a list of public comments and how the petitioner has addressed them.

There was discussion with respect to the keyhole piece of property owned by the Jackson family. The petitioner stated that he has prepared final landscape plans with two options: one to allow for the possible vacation of the alley and one without the vacation of the alley. Mr. Miller stated that he would confirm if the vacation is a necessary step in the process.

There was a brief discussion on bituminous sidewalks versus concrete sidewalks. The petitioner stated he would provide the type of sidewalk the City desires.

Chairman Littman requested the proposed PUD-2 be placed on the May 6, 2003 Special/Study Meeting agenda.

10. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller reported that there has not been any additional information submitted by the petitioner.

Mr. Carlisle summarized the considerations that led to his recommendation that the proposed project does not meet PUD requirements. Mr. Carlisle cautioned the City as well as the petitioner that a positive finding must be made that the PUD ordinance criteria are met. He stated that because of the constraints taken on by the petitioner as a result of third party negotiations (i.e., limitation on height of the building, building illumination restrictions to the north and west), he felt constrained in making recommendations. It is Mr. Carlisle's opinion that the difficulties faced by the petitioner relating to the issues of assemblage are not pertinent to the PUD criteria.

Mr. Carlisle believes the economic feasibility of the project has been influenced more by the third party agreements the petitioner entered into than any requirement imposed by the City to date. Mr. Carlisle stated that the history of the Magna property is not relevant to the PUD ordinance. He advised the Commission to be very careful about setting a precedent with respect to allowing increased density based upon the "underutilization" of neighboring property, and noted there are a multitude of properties along Big Beaver that are underutilized. Mr. Carlisle confirmed that the proposed project is of high quality, but noted any "signature" project is expected to be of high quality. He cited Somerset Mall is a high quality, "signature" project that was developed without the benefit of a PUD.

Mr. Wright believes the restrictions on the property are both third party imposed and City imposed. He said that personally he could not see a 3-story building on the site as a "signature" development and even though the proposed project may not meet PUD criteria, he would like to see the project move forward.

Mr. Vleck agreed with Mr. Wright and believes gaining back control of the site leads more credence as to why a PUD is a useful tool.

Mr. Chamberlain said approving the proposed project when it does not meet the PUD ordinance sets precedence, and the proposal should not leave the Planning Commission until all PUD requirements are met.

Mr. Storrs questioned the economic feasibility of placing residential apartments on the top floor of the proposed project.

Mr. Carlisle said he believes there is no market for residential at this particular location.

Mr. Kramer said he does not see one element of the proposed project that makes it any better than most of the other high rise office development along Big Beaver Road, and noted that he could not at this point approve the project under the PUD ordinance.

Mr. Miller reported that staff reviewed the Big Beaver Road corridor to determine what properties had excess development potential when the City was considering an Overlay Zoning District. He reported that nearly every single piece of property had excess development potential for a variety of reasons. He noted the biggest reason is that developments cannot be maximized if they do not have a parking structure. Mr. Miller questioned if residential development had underused development capacity, could units be transferred? He cautioned the Commission with the direction of allowing transfer of development rights. Mr. Miller stated there is nothing that restricts Magna from developing their site, if the proposed PUD is approved and deed restrictions are amended.

Mr. Carlisle pointed out the distinction between "transfer of development rights" and permitting density bonuses which is allowable under the ordinance for projects possessing exemplary characteristics. He suggested the Commission look at what the existing development density of the property could be under its current zoning versus what is being proposed, and encouraged members to base their determination on the merits of the project and specific measurements under the criteria of the PUD.

Chairman Littman confirmed the item was tabled to the May 13, 2003 Regular Meeting.

Chairman Littman requested a 5-minute recess at 9:27 p.m.

The meeting reconvened at 9:35 p.m.

11. ORDINANCE REVISION DISCUSSION – Height Limits for Amateur Radio Antennas (ZOTA #180)

Sub-committee Report

Mr. Kramer thanked Messrs. Ode and Scott for their patience and information. He reported that the sub-committee has been unable to reach a conclusion and that each sub-committee member would provide individual reports.

Mr. Kramer circulated and read his report. Mr. Kramer's conclusion is that the Zoning Board of Appeals shall review the evidence that the amateur radio operator presents and based upon that evidence, take a close look at a height variance that may or may not be required to yield effective communications. He noted the ZBA could seek the advice of outside experts to interpret the evidence and make a finding.

Mr. Wright agrees with Mr. Kramer and with the proposed ordinance changes provided by the Planning Department that gives direction to the ZBA in its review process for granting a variance to a ham radio operator. Mr. Wright indicated his observation within one subdivision that has a proliferation of rusty and unsightly antennas and said he would not want an antenna next to his house.

Mr. Vleck believes amateur radio operators provide a very valuable public service. It is his belief that antennas are aesthetically more pleasing if they are placed higher in the air. He said amateur radio operators are required by law not to create over-exposure of radio frequencies, and noted the higher the antenna, the lower the exposure. Mr. Vleck cited two cell towers to compare in height and aesthetics are the northwest corner of Wattles and John R and the southwest corner of Maple and Rochester Roads. Mr. Vleck's definition of "effective communication" is the ability to transmit and receive signals under adverse and emergency situations. Mr. Vleck summarized the differences between his proposed changes to the ordinance and the revisions recommended by the Planning Department.

Ms. Lancaster informed the Commission that "effective communication" is not part of the FCC regulations. She said the term has come through case law, and noted other synonymous terms used in case law are "viable communication" and "successful communication". Ms. Lancaster cited the FCC regulations with respect to height limitation.

Chairman Littman reported briefly on his research of Radio Amateur Civil Emergency Service group (RACES). His understanding is that Lansing wishes to communicate within governmental agencies and there is no plan or desire to use amateur radio home setups as a communications operation. Chairman Littman said the Lansing coordinator indicated to him that in the case of a national emergency, the County would prefer that amateur radio operators not get on the air. Chairman Littman reported that Troy has set up an emergency communication process under the Fire Chief, and the group is not

a part of RACES. The Fire Chief's plan is to have portable units throughout the City to report back to the Troy central location.

Discussion continued relating to fall zones and antenna height standards implemented in other states.

It was the consensus of the Commission to publish for the June 10, 2003 Public Hearing the proposed text revisions as prepared by the Planning Department with one revision. Under Section 43.77.00, item "H" would be incorporated under Section 40.57.06. In addition, one typographical error under item "G", Section 43.77.00 – delete the word "of" in the second line.

12. WORK PROGRAM FOR PLANNING COMMISSION PROJECTS

Chairman Littman reviewed the planning tasks and designated time lines. He noted that the Maple Road Corridor Study and Rochester Road Corridor Study should be placed in a separate category. It was decided to combine Walls & Screening with Tree Preservation Ordinance and time line it for the 2nd quarter. The sub-committee for Tree Preservation and Walls & Screening is Messrs. Kramer, Waller and Vleck.

Chairman Littman said the work program would be published as revised and distributed appropriately.

13. PUBLIC COMMENT

Phil Ode of 4508 Whisper Way, Troy, stated that groups, such as RACES, MARS, and AIRE, consist of amateur radio operators who communicate from their homes. Mr. Ode spoke briefly on relay patterns, and noted that satellites are still used by amateur radio operators. He confirmed that technology is advancing very rapidly, but stated that amateur radios remain the only communication means that has not failed.

Murray Scott of 3831 Kings Point, Troy, stated that a lot of the new technology has been developed by amateur radio. He referenced the possibility of failure on the part of new technology, i.e., cell phones, and its dependency on amateur radio operators in emergency situations. Mr. Scott spoke briefly with respect to fall zones and referenced a current amateur radio operator who received a permit in 1986 to allow a 120-foot tower.

GOOD OF THE ORDER

Mr. Chamberlain suggested that site plan approvals incorporate sidewalks from the primary road sidewalk into commercial, business and office sites located on main roads. He also suggested that sub-committees prepare a matrix identifying project tasks. Mr. Chamberlain stated that the cell tower located on Wattles and John R is not aesthetically

pleasing because of the large amount of collocations placed on it. Mr. Chamberlain suggested that the cellular tower used by the Police and Fire Departments for emergency communications is a good prototype with respect to size and height for providing emergency communications throughout the City, and noted that with the changing times, there are other means for effective communications.

Mr. Kramer responded that the cellular tower used by the Police and Fire Departments is not applicable to amateur radio operators.

Mr. Waller prepared and circulated two memos: one with respect to the proposed PUD-3 Sterling Corporate Center, and the other with respect to the 2003-04 budget year for the Planning Commission. Mr. Waller noted that the budget memo refers to Municipal Planning, Act 285 of 1931, Sections 125.31 – 125.45 and asked that the Planning Department provide the Commission copies of the relevant State law.

Mr. Waller spoke briefly on his attendance at the American Planning Association Conference and said he would provide a full report at a later date.

Mr. Vleck clarified that he indicated the cell tower at Wattles and John R is an example to use as a comparison for the tower located at Maple and Rochester. He noted two other cell tower locations to view are M-59 and Dequindre and 14 Mile and Dequindre.

Mr. Kramer referenced an interesting article regarding public transportation in a recent MSP publication.

Mr. Storrs circulated an article relating to plastic grid applications as an alternative to grass pavers for overflow parking situations. Mr. Storrs also complimented the nicely landscaped Strathmore condominium complex.

Ms. Lancaster announced the Legal Department is in receipt of a lawsuit filed by Jimmy Isso, the petitioner for a rezoning request for a proposed gas station on the northwest corner of Wattles and Dequindre.

Mr. Miller stated his interest in hearing reports from Mr. Waller and Mr. Savidant on their attendance at the American Planning Association Conference in Denver, Colorado. He also reminded the Commissioners that there is no meeting the week of the Memorial Day holiday.

Mr. Miller reported he is attending a public comment session of the Michigan Land Use Council Forum on April 28, 2003 at the Wayne State Engineering Auditorium. Also, Mr. Miller said he had been contacted "Next Linx", a company that provides communication facilities in stop signs, sewers, laptops, etc., claiming that it will take away the need for cell towers.

Mr. Schultz reported there is a Public Hearing scheduled at the April 28, 2003 City Council Meeting with respect to the parking variance request from Oakland Mall.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 10:47 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director

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